

## **Town Board Minutes**

December 7, 2009

Meeting No. 36

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 7<sup>th</sup> day of December 2009 at 8:00 P.M. and there were

**PRESENT:** JOHN ABRAHAM , COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** DANIEL AMATURA, COUNCIL MEMBER

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
JOHN DUDZIAK, TOWN ATTORNEY  
JEFFREY SIMME, CODE ENFORCEMENT OFFICER  
GARY STOLDT, CHIEF OF POLICE  
DAVID MARRANO, ASSESSOR  
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

### **EXECUTIVE SESSION:**

AT 8:52 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER STEMPIAK AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing a pending contractual matter.

At 10:15 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

### **PERSONS ADDRESSING TOWN BOARD:**

**Fronczak, Mike**, spoke to the Town Board on the following matters:

- Property along Summerfield Drive
- Lancaster Area Chamber of Commerce
- Consolidation of Town and Village
- Pending vacancy on the Town Board

**Lemaster, Kevin**, , spoke to the Town Board on the following matter:

- Wants Lancaster Industrial Development Agency dissolved

**Hangauer, Carmen**, spoke to the Town Board on the following matter:

- Alleges tires are dumped along Pavement Road

**PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:**

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendment to the Zoning Map of the Town of Lancaster as petitioned by Lancaster Land LP for a rezone of property known as 00 Pavement Road, Lancaster, New York from a Multi-Family Residential District (MFR-4) to a Residential District 2 (R-2)

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

<b>Proponent/ NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT</b>	<b>Opponent/ Comments/Questions</b>
Michael Conners, petitioner	Proponent
Lee Chowaniec	Comments
Lynn McCarthy	Comments
Mike Fronczak	Opponent
Kevin Lemaster	Questions
Dan Beutler	Comments
Carmen Hangauer	Comments

ON MOTION BY COUNCIL MEMBER STEMPIAK, SECONDED BY COUNCIL MEMBER RUFFINO AND CARRIED, the public hearing was closed at 8:52 P.M.

Decision on this matter was reserved.

December 7, 2009

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED,** that the minutes of the the Regular Meeting of the Town  
Board held November 16, 2009 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote  
on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 7, 2009

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning - Section 20 (B) of the Code of the Town of Lancaster, upon the application of **Dale Grace**, owner of **DAG Welding**, for a Special Use Permit for a Trailer Repair Facility on premises located at 5071 Transit Road in the Town of Lancaster, and

**WHEREAS**, persons for and against such Special Use Permit have had an opportunity to be heard at the public hearing on November 16, 2009;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to Chapter 50-Zoning, Section 20 (B), entitled “Commercial Motor Service District” of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to **Dale Grace**, owner of **DAG Welding**, on the premises located at 5071 Transit , in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 7, 2009

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA \_\_\_\_\_, WHO  
MOVED ITS ADOPTION, \_\_\_\_\_ SECONDED BY  
COUNCIL MEMBER RUFFINO, \_\_\_\_\_ TO WIT:

**WHEREAS,** the Town Board has previously authorized the Supervisor of the Town of Lancaster to enter into a contract with G & K Sewer Construction Company, Inc., 3135 Walden Avenue, Depew, New York 14043 for the purpose of having this contractor complete revision of storm sewer bubblers on an as needed basis to assist the Highway Department in addressing problems which have occurred over time with the storm sewer bubblers where they connect to the main storm sewer on Town roads, and

**WHEREAS,** the Deputy Highway Superintendent has advised that the \$5,000 sum which was appropriated for this work in the resolution of July 20, 2009 has now been expended and has now requested that the Town appropriate an additional sum not to exceed \$5,000.00, and

**WHEREAS,** the Town Board has given due consideration to this request and deems it in the public interest to employ this outside contractor to undertake this specialized seasonal work, and

**NOW, THEREFORE,**  
**BE IT RESOLVED,** that the Town Board of the Town of Lancaster hereby authorizes the appropriation of an additional sum of \$5,000 to be used for payment for work completed by G & K Sewer Construction Company, Inc., 3135 Walden Avenue, Depew, New York 14043 on the revision of storm sewer bubblers at the direction of the Deputy Highway Superintendent.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 7, 2009

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS,** the Erie County Water Authority desires to enter into a Private Fire Protection Contract with the Town of Lancaster for the Town Hall Renovation Project located at 21 Central Avenue, Lancaster New York, and

**WHEREAS,** the Town Board has given due review and consideration to this request and deems it in the public interest for the Town to enter into this contract;

**NOW, THEREFORE, BE IT**

**RESOLVED,** that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to enter into an agreement with the Erie County Water Authority to provide services outlined in the contract previously reviewed by the Town Attorney.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 7, 2009

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, Antoinette Bosse, 187 Belmont Avenue, Lancaster, New York has applied to the Town Board of the Town of Lancaster for a permit for a Public Improvement upon real property in the Town of Lancaster within Pleasant Heights Subdivision, and

**WHEREAS**, the Town Engineer of the Town of Lancaster has certified on the following permit application that he has reviewed the improvement plan and permit application for the installation of the public improvement requested, and that it conforms to the Ordinances of the Town of Lancaster.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Public Improvement Permit Application No. 663 of Antoinette Bosse, 187 Belmont Avenue, Lancaster, New York , which is a permit for a Public Improvement for the installation of:

P.I.P. No.663 (Detention Basin)	Rear drainage swale for 8 lot Pleasant Heights Subdivision.
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be and is hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 7, 2009

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Twin District Volunteer Fire Company, Inc., by letter dated November 12, 2009 has requested the addition of a member to the roster of said fire association.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby confirms the addition to the membership of the Twin District Volunteer Fire Company the following individual:

**ADDITION:**

Norman Tynan III  
Lancaster, New York

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 7, 2009

File: RFIRE (P4)



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, it is in the public interest for the Parks and Recreation Department of the Town of Lancaster to operate a playground facility in the Town of Lancaster, on property owned by the Twin District Volunteer Fire Co., Inc., at 4999 William Street in said Town for the years 2010 and 2011, and

**WHEREAS**, the Town Attorney has prepared and filed with the Town Clerk, an Agreement setting forth the terms upon which such recreational area will be utilized by the Town of Lancaster;

**NOW, THEREFORE, BE IT  
RESOLVED**, as follows:

- 1. That the Supervisor be and hereby is authorized and directed to execute an Agreement between the Town of Lancaster and the Twin District Volunteer Fire Co., Inc., for the Lease by said Association to the Town of Lancaster of its play area on its premises at 4999 William Street in Lancaster, for the operation of the Town’s Recreation Program during its normal summer season for the years of 2010 and 2011, and
- 2. That the Town Attorney make distribution of executed copies of said Agreement to the appropriate parties.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 7, 2009

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, Antoinette & William Bosse, 187 Belmont Avenue, Lancaster, New York has applied for a Dumping Permit for property situate at 423 Ransom Road, within the Town of Lancaster, pursuant to Chapter 22-8 of the Code of the Town of Lancaster, and

**WHEREAS**, the application was referred to the Building Inspector and Town Engineer for review and recommendation, and

**WHEREAS**, the Building Inspector and Town Engineer have completed their review and made a formal, favorable recommendation to the Town Board, and

**WHEREAS**, the source of the fill will be from the Wal-Mart construction on Transit Road.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Antoinette & William Bosse, 187 Belmont Avenue, Lancaster, New York, be and is hereby authorized to dump and dispose of materials outside permitted sanitary landfills within the Town of Lancaster, namely on premises owned by applicant at 423 Ransom Road, Lancaster, New York, said dumping to be in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk, and

**BE IT FURTHER**

**RESOLVED**, that this permit is conditioned in accordance with the recommendations of the Town Engineer and Building Inspector as follows:

1. Fill shall consist of clay. No building demolition material such as wood, asphalt shingles, asbestos tiles, etc. are permitted.
2. Access to the site shall be controlled to prevent unauthorized dumping of non-permitted material.
3. Dirt tracked on the road must be cleaned on a daily basis and more often if necessary. The Town of Lancaster Police shall stop operation immediately upon complaint of dirty road.
4. Fill area shall be topsoiled and seeded upon completion of filling.
5. Dumping will be allowed between the hours of 7 A.M. and 8 P.M. Monday through Saturday. No dumping shall be allowed on Sunday.
6. Dust from the site shall also be prevented from migrating off site.

**BE IT FURTHER**

**RESOLVED**, that no building permit for the construction of any structure on the SBL premises upon which this dumping permit is issued shall be approved by the Town Building Inspector until such time as the Building Inspector certifies in writing to the Town Board that the conditions enumerated on this resolution have been fully complied with, and

**BE IT FURTHER**

**RESOLVED**, that pursuant to Chapter 22-8(D)(6) of the Code of the Town of Lancaster the permit authorization granted herein **expires one year from date of this resolution.**

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 7, 2009

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, Advantage Trucks & Salvage Inc., 933 Ransom Road, Lancaster, New York 14086 has applied for a renewal license to conduct a salvage yard on premises situate at 933 Ransom Road within the Town of Lancaster, pursuant to Chapter 4-3 of the Code of the Town of Lancaster, and

**WHEREAS**, the application was referred to the Town Board for review, and

**WHEREAS**, the Building Inspector, by letter dated December 2, 2009, has notified the Town Board that he has completed his review and made a favorable recommendation thereto.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Advantage Trucks & Salvage Inc., 933 Ransom Road, Lancaster, New York be and is hereby authorized to conduct a salvage yard on premises situate at 933 Ransom Road, Lancaster, New York for the period January 1, 2010 to December 31, 2010 in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 7, 2009

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER ABRAHAM, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid from  
their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director  
of Administration and Finance, to wit:

Claim No. 11182 to Claim No. 11440 Inclusive

Total amount hereby authorized to be paid: \$1,817,990.44

The question of the foregoing resolution was duly put to a vote on roll call which  
resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 7, 2009

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby  
reaffirmed:

**CODES:**

- (SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town of Lancaster are waived for this permit.
- (CSW) = Conditional sidewalk waiver
- (V/L) = Village of Lancaster

**PREVIOUSLY TABLED PERMITS:**

16415	Grau Builders	11 Logan Ln	Er. Dwlg.-Sin.
16993	Grau Builders	24 Logan Ln	Er. Dwlg.-Sin.

**NEW PERMITS:**

17579	TR Renovations	15 Christen Ct	Re-Roof	(V/L)
17580	Picket Fence	112 Pheasant Run Ln	Er. Fence	
17581	Duro-Shed Inc	21 Rose St	Er. Shed	
17582	Vacinek Roofing	12 Greenbriar Dr	Re-Roof	
17583	JMT Construction	23 Cambridge Ct	Re-Roof	
17584	Grau Builders LLC	29 Logan Ln	Er. Dwlg.-Sin.	
17585	Wilcox Sign Co	4779 Transit Rd	Er. Sign-Wall	
17586	Stang Construction	4711 Transit Rd	Er. Comm. Alt.	
17587	Rambo Roofing	35 Partridge Walk	Re-Roof	
17588	Besroi Const	617 Columbia Ave	Re-Roof	
17589	J B's Home Imprv	30 Brunck Rd	Re-Roof	
17590	Pool Mart	37 Meadow Lea Dr	Er. Pool-Abv Grnd	
17591	Stewart, Gregory	37 Meadow Lea Dr	Er. Deck	
17592	Seeley, Jay	16 Shadyside Ln	Inst. Generator	
17593	Parco Building	579 Erie St	Er. Garage	
17594	Seibold Const	481 Harris Hill Rd	Re-Roof	
17595	Sahlems Roofing	84 Wilkshire Pl	Re-Roof	(V/L)
17596	Change O Siding	456 Central Ave	Re-Roof	
17597	Metropolitan Signs Inc	4875 Transit Rd	Er. Sign	
17598	Graffiti Grafix	5035 Transit Rd	Er. Sign	
17599	Iroquois Fence	25 Sawgrass Ln	Er. Fence	
17600	Ginter, Sean	154 Harvey Dr	Re-Roof	(V/L)
17601	A Best	23 Katelyn Ln	Inst. Egress	
17602	Capital Fence Co	16 Avian Way	Er. Fence	
17603	Parker King & Taft	6492 Broadway	Re-Roof	
17604	Accurate Builders	526 Harris Hill Rd	Re-Roof	
17605	Sun Enterprises	428 Ransom Rd	Er. Garage	
17606	Mark Construction	476 Harris Hill Rd	Er. Res. Add.	
17607	TR Renovation	157 Aurora St	Re-Roof	(V/L)
17608	Essex Homes	7 Tranquility Trl	Er. Dwlg.-Sin.	
17609	Parco Building Systems	67 Sheldon Ave	Er. Comm. Add.	(V/L)
17610	R&P Oak Hill	2733 Wehrle Dr	Er. Comm./Alt.	

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 7, 2009

**SUSPENDED RESOLUTION:**

Supervisor Giza requested a suspension of the necessary rules for immediate consideration of the following resolution:

UPON A MOTION MADE BY COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER STEMPIAK AND CARRIED, a suspension was granted.

**SUSPENSION GRANTED**

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCIL MEMBER STEMPIAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster after due review and consideration has determined that certain real property owned by the Town is surplus property as the Town has not made use of the property and has no future use under consideration, and

**WHEREAS**, the Town Board has further determined that the sale of such surplus property is in the interest of the residents of the Town as it will provide revenue to the Town, and

**WHEREAS**, the Town has obtained an appraisal for the property which is deemed to be surplus and is prepared to move the sale of the property to auction through the appointment of an auctioneer, and

**WHEREAS**, an action of the Town Board to convey Town owned real property is subject to permissive referendum pursuant to §64 (2) of the Town Law;

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby makes a determination that the following parcel is surplus property to the Town to wit:

**ALL THAT TRACT OR PARCEL OF LAND**, situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. 71, Section 10, Range Six (6), of the Buffalo Creek Reservation and more particularly bounded and described as follows:

BEGINNING at the northeast corner of said lot 71, Township 10 Range 6 said point of beginning also being the northwest corner of Subdivision Lot No 83 of the Summerfield Farms Subdivision, Phase I as shown on a map filed in the Erie County Clerk’s Office under Map Cover No. 3007;

THENCE South 89°47'18"West along the northerly line of Lot 71 and the northerly line of the Summerfield Farms Subdivision Phase I under Map Cover 3007, a distance of 714.36 feet to a point in the northerly line of Summerfield Drive as shown on said Map Cover 3007;

THENCE South 79°09'19" East along the northerly line of Summerfield Drive a distance of 104.29 feet;

THENCE North 89°47'18" East, continuing along the northerly line of Summerfield Drive a distance of 529.03 to a point of curvature;

THENCE Southeasterly, continuing along the northerly line of Summerfield Drive on curve to the right having a radius of 283.00 feet, an arc distance of 84.24 feet to the southwest corner of Subdivision Lot No. 83 under Map Cover 3007

THENCE North 00°15'09" West, along the westerly line of Subdivision Lot No. 83 under Map Cover 3007 distance of 32.45 feet, to the point and place of beginning.

Subject to easements, rights of way and restrictions of record, if any.

Parcel has a tax I.D. No. 127.06-2-1 on the Town of Lancaster tax roll.

**BE IT FURTHER**

**RESOLVED**, that the Town Board appoints Joseph Maciejewski to act as the designated Town officer for purposes of holding a public auction of the before mentioned parcel with the bidding to commence at a minimum bid of \$9,000, and

**BE IT FURTHER**

**RESOLVED**, that the terms and conditions for the public auction shall be as set forth on the attached “Terms and Conditions Statement For Public Auction” which is made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 7, 2009



**TERMS AND CONDITIONS FOR PUBLIC AUCTION  
TOWN OF LANCASTER OWNED REAL ESTATE**

1. All sales are subject to final approval by the Lancaster Town Board.
2. Bidders must pay 20% of the purchase price in CASH, CERTIFIED CHECK or MONEY ORDER (U.S. FUNDS) ONLY as a deposit at the time the property is struck down; if such deposit is not made the property will immediately be again offered for sale.
3. All properties sold will be subject to a BUYERS PREMIUM in the amount of five (5%) percent added to the amount of the successful bid price and shall be payable at closing.
4. All sales must be closed within 90 days after notification of approval by the Lancaster Town Board. If a bidder should not close within the 90-day period, the deposit less the BUYERS PREMIUM will be forfeited and the property re-sold, the bidder remaining liable to the Town for breach of contract damages.
5. The Town WILL NOT provide a search or survey.
6. The Town will furnish a Quit Claim Deed to the purchaser and all deeds must be recorded at closing.
7. The purchaser is responsible for paying the New York State Real Property Transfer Tax, the Transportation Assistance Tax and recording fees.
8. All properties are sold "AS IS" without any representation or warranty regarding title, value, condition, occupancy or suitability for a particular use.
9. All properties are sold subject to any existing easement, restriction zoning regulations and encroachments.
10. No bid assignments, name changes or additional description requests will be processed by the Referee after the date of the sale unless accompanied by a \$50.00 fee (each), paid by the party requesting same.

**LEGAL NOTICE  
OF PUBLIC AUCTION  
OF LAND OWNED BY  
THE TOWN OF LANCASTER**

Notice is hereby given that the Town of Lancaster through its designated Officer will hold a public auction of a parcel of Town owned land described as follows:

**ALL THAT TRACT OR PARCEL OF LAND**, situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. 71, Section 10, Range Six (6), of the Buffalo Creek Reservation and more particularly bounded and described as follows:

BEGINNING at the northeast corner of said lot 71, Township 10 Range 6 said point of beginning also being the northwest corner of Subdivision Lot No 83 of the Summerfield Farms Subdivision, Phase I as shown on a map filed in the Erie County Clerk's Office under Map Cover No. 3007;

THENCE South 89°47'18"West along the northerly line of Lot 71 and the northerly line of the Summerfield Farms Subdivision Phase I under Map Cover 3007, a distance of 714.36 feet to a point in the northerly line of Summerfield Drive as shown on said Map Cover 3007;

THENCE South 79°09'19" East along the northerly line of Summerfield Drive a distance of 104.29 feet;

THENCE North 89°47'18" East, continuing along the northerly line of Summerfield Drive a distance of 529.03 to a point of curvature;

THENCE Southeasterly, continuing along the northerly line of Summerfield Drive on curve to the right having a radius of 283.00 feet, an arc distance of 84.24 feet to the southwest corner of Subdivision Lot No. 83 under Map Cover 3007

THENCE North 00°15'09" West, along the westerly line of Subdivision Lot No. 83 under Map Cover 3007 distance of 32.45 feet, to the point and place of beginning.

Subject to easements, rights of way and restrictions of record, if any.

Parcel has a tax I.D. No. 115.06-5-7 on the Town of Lancaster tax roll.

The auction of the above parcel will take place at a date and time to be determined by the appointed Town Officer designated to hold a public auction in the Town Hall Meeting Chambers, 21 Central Avenue, Lancaster, New York.

Terms and conditions of this public auction are available in the office of the Town Clerk, 21 Central Avenue, Lancaster, New York during regular business hours from 9 AM to 5 PM, Monday through Friday.

## COMMUNICATIONS & REPORTS

463. Twin District Volunteer Fire Co. to Town Clerk -  
Request for change in roster. DISPOSITION = Resolution 12/7/09
464. Lancaster Airport to Town Board -  
Update of suggested flight pattern when departing Buffalo-Lancaster Airport.  
DISPOSITION = Received & Filed
465. NYS DEC to Town Attorney -  
Notice of Lead Agency designation regarding rezone petition for Walden Avenue  
Apartments, 4014 & 4018 Walden Avenue; comments noted. DISPOSITION =  
Received & Filed
466. Erie County Department of Public Works to Town Board -  
Notice of Load Limit Posting of Pavement Road Bridge over former Lehigh Valley  
Railroad to R-Permit Restriction. DISPOSITION = Received & Filed
467. Town Clerk to Town Board -  
Transmittal of renewal application for Advantage Trucks & Salvage Inc. to conduct a  
salvage yard. DISPOSITION = Resolution 12/7/09
468. Village of Lancaster to Town Board -  
Minutes of meeting held November 9, 2009. DISPOSITION = Received & Filed
469. Erie County Department of Public Works to Town Attorney -  
Question and comments regarding revised sketch plan for Summerfield Farms  
Subdivision, Phase 5. DISPOSITION = Planning Committee
470. General Crew Chief to Planning Board, Council Members Abraham, Ruffino, &  
Stempniak -  
Comments regarding revised preliminary plat plan for Deer Run Estates Subdivision,  
south of William Street, west side of Lake Avenue. DISPOSITION = Planning  
Committee
471. Alfred C. Wilkosz to Town Board -  
Request for re-appointment as Deputy Bingo Inspector. DISPOSITION = For  
Resolution
472. Sonitrol Security Systems of Buffalo to Police Chief -  
Letter of commendation for apprehending suspects of Wehrle Golf Dome incident.  
DISPOSITION = Received & Filed
473. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant,  
Town Attorney, Deputy Highway Superintendent, Building Inspector -  
Draft copy of minutes of meeting held November 18, 2009. DISPOSITION = Received  
& Filed
474. Planning Board to Town Board -  
Notice of tabling regarding sketch plan of Summerfield Farms Subdivision, Phase 5;  
conditions noted. DISPOSITION = Received & Filed
475. Planning Board to Town Board -  
Notice of amended recommendation regarding rezone petition for Lancaster Land, L.P.,  
00 Pavement Road, north of Affordable Senior House project; conditions and comments  
noted. DISPOSITION = Received & Filed
476. Town of Newstead to Town Clerk -  
Notice of public hearings to be held December 28, 2009 at 7:40 PM & 7:50 PM  
regarding proposed Local Law No. 6, Amendment to Zoning Law, and Local Law No.  
7, Amendment to Subdivision Law. DISPOSITION = Received & Filed
477. Sonitrol Security Systems of Buffalo to Police Chief -  
Commendation of Lancaster Police Officers for apprehending suspects of Wehrle Golf  
Dome burglary. DISPOSITION = Received & Filed

478. Town Clerk to Town Board -  
Transmittal of renewal application for Ransom Auto Parts to conduct a salvage yard.  
DISPOSITION = Code Enforcement Officer
479. Town Clerk to Town Board -  
Transmittal of renewal application for Anthony Renkas, d/b/a AJ's Auto Parts &  
Salvage to conduct a salvage yard. DISPOSITION = Code Enforcement Officer
480. Town Attorney to Town Board, Planning Board, Building Inspector, Town Engineer,  
Town Clerk -  
Notice of SEQR meeting to be held Monday, December 7, 2009, 6:30 PM regarding  
rezone petition of Lancaster Land LP, 00 Pavement Road. DISPOSITION = Received  
& Filed
481. Town Clerk to Various News Media -  
Notice of SEQR meeting to be held Monday, December 7, 2009, 6:30 PM regarding  
rezone petition of Lancaster Land LP, 00 Pavement Road. DISPOSITION = Received  
& Filed
482. Time Warner Cable to Supervisor -  
Notification of cable television developments within the town. DISPOSITION =  
Received & Filed
483. Edward E. Weremblewski to Town Board -  
Request for reappointment as Bingo Inspector. DISPOSITION = For Resolution
484. Building Inspector to Town Board -  
Recommend issuance of dumping permit to Antoinette & William Bosse, 423 Ransom  
Road; conditions noted. DISPOSITION = Resolution 12/7/09
485. Deputy Highway Superintendent to Planning Board Chairman -  
Request for stop sign locations from the Police Department regarding site plan of  
Summerfield Farms Subdivision, Phase 5. DISPOSITION = Planning Committee
486. Greater Buffalo-Niagara Regional Transportation Council to Town Board -  
Notice of meeting to be held December 15, 2009, 9:00 AM at Niagara Falls  
International Airport. DISPOSITION = Received & Filed

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER ABRAHAM, SECONDED BY  
COUNCIL MEMBER STEMPNIAK AND CARRIED,** the meeting was adjourned at 10:15  
P.M. in memory of Garnet Galvin and Matthew Rybinski.

Signed \_\_\_\_\_  
Johanna M. Coleman, Town Clerk